

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**In Re: Methyl Tertiary Butyl Ether ("MTBE")  
Products Liability Litigation**

**Master File No. 1:00-1898  
MDL No. 1358 (SAS)  
M21-88**

**This Document Relates To:**

***City of Fresno v. Chevron U.S.A. Inc., et al.,*  
04 Civ. 04973**

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**DEFENDANT COASTAL CHEM, INC.'S NOTICE OF MOTION  
AND MOTION FOR GOOD FAITH SETTLEMENT**

**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

**PLEASE TAKE NOTICE** that, at a time and date to be determined by the Court, at the United States Courthouse located at 500 Pearl Street, New York, New York, Defendant Coastal Chem, Inc. (“Coastal Chem”) will, and hereby does, move this Court for an order determining the good faith of Coastal Chem’s settlement (“Settlement Agreement and Release”) with Plaintiff City of Fresno (the “City”) within the meaning of California Code of Civil Procedure §§ 877 and 877.6.

Coastal Chem makes this motion on the grounds that the Settlement Agreement and Release between the City and Coastal Chem is a reasonable, good faith settlement sufficient to bar claims by joint tortfeasors against Coastal Chem pursuant to California Code of Civil Procedure § 877.6(c). In particular, the settlement satisfies the applicable factors set forth in *Tech-Bilt v. Woodward-Clyde Associates*, 38 Cal. 3d 488, 499 (1985). Specifically, the Settlement Agreement and Release roughly approximates Coastal Chem’s potential proportional liability. *Id.* The negotiations between the City and Coastal Chem did not involve collusion, fraud, or tortious conduct, nor is this Settlement Agreement and Release aimed at injuring the interests of any non-settling defendant or any other person or entity. *Id.*

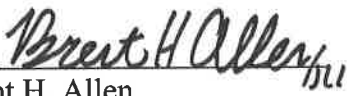
This motion is based on this notice of motion and motion, the accompanying memorandum of points and authorities, the Declaration of Brent H. Allen (“Allen Decl.”) and accompanying exhibits, filed concurrently herewith, and such other materials and argument as may be presented to the Court at or before the time of the hearing of this motion.

On August 28, 2013, Coastal Chem informed the non-settling parties of the Settlement Agreement and Release and the intention to seek a good faith determination from this Court. Allen Decl., ¶ 2. A copy of the Settlement Agreement and Release was provided to the non-settling parties at that time. *Id.* Coastal Chem has received no indication that any non-settling party intends to oppose this motion, and therefore believes that no party will oppose this motion. *Id.*

Respectfully submitted,

Greenberg Traurig, LLP

Dated: September 10, 2013

By:   
Brent H. Allen  
Attorneys for Defendant Coastal  
Chem, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that on September 10, 2013 I served a copy of this Notice of Motion and Motion for Determination of Good Faith Settlement on all counsel of record via LNFS.

  
James Layman